

**NOTICE OF TYPE III  
DEVELOPMENT REVIEW  
APPLICATION, OPTIONAL  
SEPA DETERMINATION OF  
NON-SIGNIFICANCE & PUBLIC HEARING**  
(Form DS1302A)



The Clark County Department of Community Development has received an application for development review, as described below. Based on a review of the submitted application materials, the County expects to issue a **Determination of Non-Significance (DNS)** for the proposal allowed by state law and Clark County Code (CCC), Section 40.570.040(E) – Optional DNS Process. As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review.

Comments received within the deadline will be considered in the review of the proposal. Your response to this notice may be your only opportunity to comment on the environmental impacts of this proposal. No additional comment period will be provided unless probable significant environmental impacts are identified during the review process, which would require additional study or special mitigation. The proposal may include mitigation under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared.

**Closing Date for Public Comments:**  
**June 17, 2009**

Information regarding this application can be obtained by contacting the staff contact person listed below, or visit the Public Service Center, Development Services Division, 1300 Franklin Street, 3<sup>rd</sup> Floor, Vancouver, Washington.

The Clark County Hearings Examiner will conduct the public hearing on **July 23, 2009 at 6:00 P.M.**, at **Public Service Center, 1300 Franklin St., Vancouver, Washington, Sixth Floor Suite 680**. Parking is available in the parking garage on the north side of the Public Service Center (access off Franklin St.) after 5:30pm.

**Project Name:** **WESTMINSTERSHIREVILLE SUBDIVISION**

**Case Number:** **PLD2009-00022; SEP2009-00038**

**Location:** 10212 NE 107<sup>th</sup> Street

**Request:** The applicant is requesting to subdivide 5.51 acres into 17 single-family residential lots located in the R1-10 zone district.

**Applicant:** Troy Johns  
14801 NE 13<sup>th</sup> Circle  
Vancouver, WA 98684  
(360)600-4425  
[troyajohns@gmail.com](mailto:troyajohns@gmail.com)

**Contact Person:** Minister Glaeser Surveying Inc.  
David Rosenberger  
2200 E Evergreen Blvd  
Vancouver, WA 98661  
(360)694-3313; (360)694-8410 fax  
[dwr@mgsurvey.com](mailto:dwr@mgsurvey.com)

**Zoning:** R1-10

**Comp Plan Designation:** UL

**Parcel Numbers:** 199875-000

**Township:** 3N      **Range:** 2E      **¼ of Section:** SE, SW, NE, NW ¼ of Sec 33

**Applicable Code Sections:** Clark County Code: Title 15 (Fire Prevention), Section 40.220.010 (Single-Family Residential District), Section 40.320.010 (Landscaping), Section 40.350, (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Storm Water Drainage and Erosion Control), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

**Neighborhood Contact:** **Sunnyside Neighborhood Association**  
George White, President  
PO Box 820072  
Vancouver, WA 98682  
896-6216  
E-mail: [sunnyside5@pacifier.com](mailto:sunnyside5@pacifier.com)

**Staff Contact:**  
Planner Name: Jan Bazala (360) 397-2375, ext. 4499  
E-mail: [jan.bazala@clark.wa.gov](mailto:jan.bazala@clark.wa.gov)

Team Leader Name: Michael Butts (360) 397-2375, ext. 4137.

**Please email SEPA comments to:**  
[rosie.hsiao@clark.wa.gov](mailto:rosie.hsiao@clark.wa.gov)

Note: If mailing comments, an accurate mailing address for those submitting comment must be included or they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision.

If written comments or documents are to be hand delivered, please submit them to the Public Service Center, 1<sup>st</sup> floor.

**Responsible Official:** Michael V. Butts, Development Services Manager  
Public Service Center, Department of Community Development, 1300 Franklin Street, P.O. Box 9810, Vancouver, WA 98666-9810

**Application Filing date:** May 6, 2009  
**Fully Complete Date:** May 20, 2009  
**Date of this notice:** June 3, 2009

### **SEPA Options:**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an EIS;
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be mitigated through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

### **Timelines/Process:**

Decisions on Type III applications are made within 92 calendar days of the Fully Complete date (noted above), unless placed on hold for the submittal of additional information.

### **Appeal Process:**

The Hearing Examiner's decision on the application may be appealed to the Board or County Commissioners by the applicant or any person or group that qualifies as a "Party of Record." To qualify as a party of record, you must have submitted written comments or a written request to be identified as a Party of Record within the comment deadline. Note: If an accurate mailing address for those submitting comment is not included, they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision. An appellant must submit an appeal application and appeal fee within 14 calendar days after the written notice of the decision is mailed.

### **SEPA Appeal Process:**

A **procedural SEPA appeal** is an appeal of the determination (i.e.. determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive SEPA appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

A **procedural appeal** must be filed within fourteen (14) calendar days of this determination, together with the appeal fee. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check for the appeal fee (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, at the address listed below.

The decision of the Hearing Examiner on any procedural SEPA appeal is final and can not be appealed to the Board of County Commissioners, but must be pursued through a judicial review. Appeals of the Hearing Examiner's decision and conditions of approval on the development proposal itself (including substantive SEPA appeals) are processed in accordance with Clark County Code 40.510.030(H), Type III Review Appeal Procedure. This type of appeal of the Hearing Examiner decision must be filed with the Board of County Commissioners within fourteen (14) days of issuing the Hearing Examiner's written decision.

### **ACCOMMODATION OF PHYSICAL IMPAIRMENTS**

The Public Service Center is wheelchair accessible. If you need auxiliary aids or services in order to attend, contact the Clark County ADA Office. **Voice** (360) 397-2000; **Relay** (800) 833-6384; **E-mail** ADA@clark.wa.gov.

### **Information Available on the County Web Page:**

- "Weekly Preliminary Plan Review Status Report," (includes current applications, staff reports and final decisions):  
(<http://www.clark.wa.gov/commdev/active-landuseN.html>)
- Pre-Application Conferences and Public Land Use Hearing Agendas:  
(<http://www.clark.wa.gov/commdev/agendasN.asp>)
- Applications and Information Handouts for each Type of Land Use Permit:  
(<http://www.clark.wa.gov/commdev/applicationsN.html>) (*Landuse*)

**Phone: (360) 397-2375; Fax: (360) 397-2011**

**Web Page at:** <http://www.clark.wa.gov>

**Attachments:**

- Proposed project site/land division plan
- Map of property owners receiving notice

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**Agency Distribution:**

This notice is being provided to the following agencies with jurisdiction whose services maybe impacted by implementation of this proposal:

Federal Agencies:	U.S. Army Corps of Engineers - Enforcement Division
Tribes:	Cowlitz Indian Tribe Yakama Nation Chinook Tribe
State Agencies:	Department of Natural Resources (S.W. Region) Department of Ecology Department of Fish and Wildlife Department of Transportation
Regional Agencies:	Fort Vancouver Regional Library Southwest Clean Air Agency Vancouver-Clark Parks & Recreation
Local Agencies:	Clark County Department of Community Development Development Services Development Engineering Fire Marshal Clark County Health Department Clark County Public Works Transportation Division Clark County Conservation District Clark County Water Resource Council City of Vancouver Transportation
Special Purpose Agencies:	Fire Protection District # 5 Clark Public Utilities Clark Regional Wastewater District/City of Vancouver Water/Sewer
The Media	The Columbian The Oregonian The Reflector Vancouver Business Journal The Post Record
Other:	Applicant Clark County Neighbors Clark County Natural Resources Council Clark County Citizens United C-Tran Meadow Glade Neighborhood Association

**Add Attachment for Agencies:**

- SEPA checklist